

2021 REGULAR (Board Elections) AND SPECIAL ELECTIONS

CUDDY & MCCARTHY, LLP

PATRICIA SALAZAR IVES, ESQ.

CHARLOTTE HETHERINGTON, ESQ.



CUDDY & MCCARTHY, LLP

Attorneys at Law

Regular Election vs. Special Election

▶ Regular Elections

- ▶ Held on the first Tuesday after the first Monday in November of each odd-numbered year
- ▶ Held to elect qualified persons to membership on a local governing body, such as a school board
- ▶ Nonpartisan election (no party or slate)
- ▶ May include a ballot question (bond or mill levy)
- ▶ Called, conducted, and canvassed pursuant to the Election Code
 - ▶ Early/Absentee voting
 - ▶ Physical polling locations on election day

Regular Election vs. Special Election

▶ Special Elections

- ▶ Held at any time other than a regular election
 - ▶ More than 70 days before any statewide election
 - ▶ 100 days or more after a general or regular local election
 - ▶ 70 days or more after a primary or U.S. representative election
- ▶ Called, conducted, and canvassed pursuant to the Special Election Act
 - ▶ Mail ballot only
 - ▶ District bears expense

November 2, 2021 Regular (School) Election Calendar

▶ November 2, 2021 Regular (School) Election Calendar –

▶ Available on NMSBA website

▶ Or, follow this link:

<https://cuddymccarthy.com/resources-links/>

Election Countdown-June

5

- ▶ **Saturday, June 5, 2021** First day for District to notify County Clerk of all board positions and position numbers to be filled at November 2, 2021 Regular Local Election [NMSA 1978, § 1-22-4(A)]
- ▶ Notice may be submitted by Board or Superintendent.
- ▶ Include positions that were filled by appointment since 2019 election and all positions expiring December 31, 2021.
- ▶ Include HB 33 or SB 9 mill levy or bond questions now, if possible (even though deadline is not until Tuesday, August 24, 2021)

Election Countdown-July

- ▶ **Monday, July 5, 2021** Last day for District to notify County Clerk of all board positions and position numbers to be filled at November 2, 2021 Regular Local Election [NMSA 1978, § 1-22-4(A)]
- ▶ If you have really been snoozing, email or walk it in to each County Clerk's office where your district has voting precincts.

Election Countdown-July

County Clerk & Secretary of State Duties

- ▶ **Tuesday, July 13, 2021** Last day for County Clerk to notify Secretary of State of all board member positions to be filled at November 2, 2021 Regular Local Election [NMSA 1978, § 1-22-4(A)]

Election Countdown-July

- ▶ **Thursday, July 15 - Last day to notify DFA, local government division of intent to place the question of imposing or renewing a mill levy on the November 2nd Regular Local Election ballot. § 7-38-36.2.**

Election Countdown-August

County Clerk & Secretary of State Duties

- ▶ **Wednesday, August 4, 2021** Secretary of State shall issue and file a proclamation in English and Spanish calling 2021 Regular Local Election [NMSA 1978, § 1-22-4(B)]
- ▶ After receipt from Secretary of State, County Clerk shall post entire election proclamation in English and Spanish on County Clerk's website [NMSA 1978, § 1-22-4(D)]
- ▶ **Note: Secretary of State is responsible for preparing regular election translations**

Election Countdown-August

County Clerk & Secretary of State Duties

- ▶ **Thursday, August 19, 2021** Deadline for County Clerks to publish portions of election proclamation in English and Spanish in a newspaper of general circulation within County (or Counties for multi-county Districts) [NMSA 1978, § 1-22-4(D)]
- ▶ Publication must conform to requirements of federal Voting Rights Act of 1965, as amended.

Election Count Down-August

Ballot Questions

- ▶ **Monday, August 23, 2021** Last day for Boards to adopt Resolution Proposing HB 33, SB 9 mill levy or bond ballot question for November 2nd Regular Local Election. [NMSA 1978, §§ 1-16-2 and 1-16-3]
- ▶ **Note: Begin planning voter education steps for mill and bond elections**

Election Countdown-August

Ballot Questions

12

- ▶ **Tuesday, August 24, 2021** Deadline for filing Board Resolution authorizing Regular Local Election ballot questions with County Clerk of each county containing voting precincts [NMSA 1978, § 1-16-3(B)]

Election Countdown-August

Candidate Declarations

13

- ▶ **Tuesday, August 24, 2021** Deadline of between 9:00 a.m. and 5:00 p.m. to file Declarations of Candidacy with office of the County Clerk in each county with voting precincts [NMSA 1978, § 1-22-7(A)]
- ▶ Form of Declaration of Candidacy – follow link to access Form of Declaration of Candidacy <https://cuddymccarthy.com/resources-links/>
- ▶ **Note, the (1) the declarant must personally file or give written authorization for another person to file on behalf of the declarant; and (2) the declaration must be filed in all counties with voting precincts in your District.**

Election Countdown-August County Clerk Certification

14

- ▶ **Friday, August 27, 2021** Deadline for County Clerk to certify all mill and bond ballot questions to Secretary of State [NMSA 1978, § 1-16-3(B)]

Election Countdown-August

Write-Ins and Withdrawals

- ▶ **Tuesday, August 31, 2021** Deadline of between 9:00 a.m. and 5:00 p.m. to file Declaration of Candidacy for write-in candidate with office of the County Clerk [NMSA 1978, § 1-22-8.1(C)]
- ▶ **Tuesday, August 31, 2021** Deadline to withdraw as candidate [NMSA 1978, § 1-10-6(C)]

Election Countdown- September Candidate Notice

- ▶ **Friday, September 3, 2021** Deadline of 5:00 p.m. for County Clerk to:
 - ▶ (1) determine qualifications of and place qualified candidate's name for position qualified candidate declared on ballot, and
 - ▶ (2) notify qualified candidate that name will appear on ballot [NMSA 1978, § 1-22-10(A)]

Election Countdown- September Federally Qualified Ballots

- ▶ **Friday, September 17, 2021** Deadline for County Clerk to have access to ballots to send to federally qualified electors [NMSA 1978, § 1-10-5]

Election Countdown- September All Other Ballots Printed

- ▶ **Thursday, September 23, 2021 Deadline** for County Clerk to have all other printed ballots in possession [NMSA 1978, § 1-10-5]
- ▶ **Note: Did you remember to start your voter education program?**
 - ❖ **Flyers**
 - ❖ **Community forums**
 - ❖ **Website**

Election Countdown-October

Voter Registration and Early Voting

- ▶ **Tuesday, October 5, 2021** Deadline to register to vote in Regular Local Election [NMSA 1978, § 1-4-8(A)]
- ▶ **Tuesday, October 5, 2021** Absentee voting begins [NMSA 1978, § 1-6-5(F)]
- ▶ **Tuesday, October 5, 2021** Early voting begins [NMSA 1978, § 1-6-5.7(A)]
- ▶ **Note: Put the ballot on your website with polling place information**

Election Countdown-October

County Clerk Publications

20

- ▶ **Tuesday, October 12, 2021** First day for County Clerk's publication of notice of election [NMSA 1978, § 1-11-3(A)]
- ▶ **Tuesday, October 26, 2021** Last day for County Clerk's publication of notice of election [NMSA 1978, § 1-11-3(A)]
- ▶ **Note:** The notice of election must be printed in English and Spanish and also must be broadcast on a radio station in the appropriate Native American languages in those counties affected by the federal Voting Rights Act of 1965, as amended.

Election Countdown-October

Early Voting Ends

21

- ▶ **Saturday, October 30, 2021** Last day to vote Early [NMSA 1978, § 1-6-5.7(A)]

Election Day

22

- ▶ **Tuesday, November 2, 2021**
Election Day
- ▶ Polls open from 7:00 a.m. to 7:00 p.m. for in person voting.

Post Election Canvass Deadlines

- ▶ **Monday, November 8, 2021** First day for county canvassing board (the County Commission) to:
 - ▶ (1) meet to approve the report of the canvass of the returns;
 - ▶ (2) declare the results of the election and of all ballot questions affecting only precincts within the county, and
 - ▶ (3) issue a certificate of canvass of the results of the election [NMSA 1978, §§ 1-13-13(A), (B), and (C)]

Post Election

Canvass Deadlines

- ▶ **Monday, November 8, 2021** First day for County Commission to send one copy of canvass of the results of the election to:
 - ▶ (a) the County Clerk,
 - ▶ (b) each local government with a candidate or ballot question (including the School District),
 - ▶ (c) the Secretary of State,
 - ▶ (d) the State Records Center, and
 - ▶ (e) the State Canvassing Board [NMSA 1978, §§ 1-13-13(A), (B), and (C)]

Post Election Canvass Deadlines

- ▶ **Friday, November 12, 2021** Last day for county canvassing board (the County Commission) to complete canvassing duties (see prior deadline) [NMSA 1978, §§ 1-13-13(A), (B), and (C)]
- ▶ **Note: For counties with more than 150,000 voters, the deadline is Monday, November 15, 2021**

Post Election Superintendent Alert

- ▶ **Between Monday November 15 and Friday, November 19, 2021** Suggested dates for publication of results of election if ballot included a bond question [NMSA 1978, § 22-18-10]
- ▶ **Note: Superintendent must publish election results of bond elections in each county with voting precincts. This starts the clock for the statute of limitations on election contests.**

Post Election

Secretary of State Certificates

- ▶ **Friday, November 26, 2021** First day for Secretary of State to issue certificates of election to appropriate candidates [NMSA 1978, § 1-13-16(C)]

Congratulations!

You've Been Elected!

- ▶ **Saturday, January 1, 2022** Terms of office begin for elected candidates [NMSA 1978, § 1-22-18]

Questions?

29

- ▶ **Patricia Salazar Ives**

- ▶ pives@cuddymccarthy.com

- ▶ **Charlotte H. Hetherington**

- ▶ chetherington@cuddymccarthy.com



CUDDY & McCARTHY, LLP

Attorneys at Law